

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER DIVISION  
CORPS OF ENGINEERS

CELRD-OR-HR  
CINCINNATI, OH 45201-1159

Regulation  
No. 690-1-23

24 March 1998

Civilian Personnel  
ADMINISTRATIVE GRIEVANCE SYSTEM

Local supplementation of this regulation is permitted for implementation of individual commander's policies and procedures. One copy of issued supplements will be furnished to Commander, U.S. Army Engineer Division, Great Lakes and Ohio River Division, ATTN: CELRD-OR-HR, P.O. Box 1159, Cincinnati, Ohio 45201-1159.

1. Purpose. This regulation communicates policies and procedures to be used under the administrative grievance procedure (AGS), DOD's internal system established for resolving employee grievances over certain matters under the control of DOD management. It also communicates special grievance procedures established by the Department of the Army.
2. Applicability. The administrative grievance procedure covers current Great Lakes and Ohio River Division employees who are not in established bargaining units. Former Great Lakes and Ohio River Division employees may also seek redress for grievances under this procedure provided that a remedy is available consistent with applicable law and regulation. The administrative grievance procedure covers bargaining unit employees when a matter covers this procedure cannot be grieved under their negotiated grievance procedure (NGP) either because an NGP is not in effect at the time or because it does not cover the matter being grieved. Reinstatement and transfer eligibles who have applied for a position under a merit promotion program are not covered.
3. References. DoD's Administrative Grievance System (AGS).
4. Policy.
  - a. It is DoD policy that DoD employees shall be entitled to present grievances under the DoD AGS and have them considered expeditiously, fairly, and impartially, and resolved as quickly as possible. All persons involved in the dispute resolution process shall be free from restraint, interference, coercion, discrimination, or reprisal.

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\*This regulation supersedes CEORDR 690-1-23, dated 12 September 1996.  
This regulation expires 23 March 2001.

b. Alternative Dispute Resolution (ADR) techniques should be used to resolve grievances consistent with the requirements of regulation. ADR techniques include a broad range of approaches for dealing with conflict and seeking solutions satisfactory to all parties.

5. General Employee Entitlements. DoD employees are entitled under the DoD AGS to present grievances and to communicate with supervisors or managers and officials in their servicing CPAC/Human Resources Office. Employees may represent themselves, or be represented by someone of their choice. The choice of representative may be denied if it would result in a conflict of interest, conflicts with mission priorities, or results in unreasonable costs. Employees and their representatives shall have full access to relevant information and shall be given copies of such information unless to do so would be unduly burdensome or contrary to law or regulation. Employees will be permitted a reasonable amount of official duty time, if otherwise in a duty status at the employing activity, to present grievances and to communicate with management and human resources officials. They also may be given official time to prepare a grievance.

6. Responsibilities. Commanders shall implement the provisions of this administrative grievance system, ensure that copies of this procedures are available to employees for their review, and where designated, serve as the management official who issues a final written decision in a formal grievance filed by an employee (hereafter referred to as the deciding official). The deciding official must be assigned to an organization level higher than any employee involved in the grievance or having a direct interest in the matter being grieved unless the deciding official is the Commander. The Commander does have the discretion to forward the grievance to the next higher level when he feels it would aid in maintaining the integrity of the procedure. Commanders shall implement and require use of Alternative Dispute Resolution (ADR) procedures.

7. Subject Matter Coverage. Any employment matter (including performance appraisal) may be grieved under the AGS except the following:

- a. The content of established agency regulations and policy;
- b. Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the Merit Systems Protection Board (MSPB), the Office of Personnel Management (OPM), the Federal Labor Relations Authority (FLRA), or the Equal Employment Opportunity Commission (EEOC); or any matter that the employee files under another review or reconsideration procedure, or dispute resolution process within the DoD;
- c. Nonselection for promotion from a group of properly ranked and certified candidates, or failure to receive a noncompetitive promotion;

d. Preliminary notice of an action that, if effected, would be covered under the grievance system or excluded from coverage under 7.b. above;

e. The substance of an employee's performance elements, standards, or work objectives;

f. Determinations concerning awards, additional step increases, recruitment or relocation bonuses, retention allowances, physicians comparability or additional pay allowances, supervisory differentials, critical position pay, or dual compensation waivers;

g. Any action taken under a voluntary, formal agreement entered into by an employee involving geographic relocation or return from an overseas assignments;

h. Termination of probationer, return of an employee serving supervisory or managerial probation to a nonsupervisory or nonmanagerial position, or separation or termination of an employee during a trial period;

i. For Senior Executive Service (SES) employees, performance evaluations and awards (including meritorious or distinguished executive rank awards), reassignment following receipt of an unsatisfactory rating, return to another pay system during the 1-year period of probation or for less than fully successful executive performance or for failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.

j. Termination or expiration of a time-limited excepted appointment, a term or temporary appointment or promotion, or a Senior Executive Service limited emergency or limited term appointment, on the date specified as a condition of employment at the time the appointment or promotion was made;

k. The termination of a temporary or term promotion at a time other than in 7.h. above, provided the employee was informed in advance of the temporary nature of the appointment or promotion and the employee was returned to his or her former position from which temporarily promoted or to a different position of equivalent grade and pay;

l. SES or Senior Level pay rate changes;

m. A separation or termination action except as provided in paragraph 8 below; and

n. Any additional exclusions as requested by a DoD Component and approved by the DoD.

8. Civilian Intelligence Personnel Management System (CIPMS) Employees. Non-preference eligible CIPMS employees employed under Title 10 U.S. Code, section 1590, may grieve their removal, suspension, reduction in grade or pay, or furlough for 30 days or less, if they have completed one year of current continuous service in the same or similar position in the DoD under other than a temporary appointment of two years or less. The termination of a CIPMS employee for national security reasons under section 1590(e)(1) of Title 10, United States Code is not covered. In the case of a grievance over a removal of a CIPMS employee covered by this procedure, an impartial hearing is normally conducted.

9. Time Limits. When calculating time limits under this procedure, the day of an action or receipt of a document is not counted. The last day of the time limit is counted unless it is a Saturday, a Sunday, or a legal holiday, or a day on which the employee is not regularly scheduled to work. In those cases, the last day of the time limit will be moved to the next regularly scheduled work day. All time limits are counted in calendar days.

10. Problem-Solving Procedure. An employee may informally present any work-related problem to his or her immediate supervisor before filing a formal grievance. If the problem involves a matter or action directly involving that supervisor and the employee has been unable to resolve the matter with the supervisor, the employee may present the matter to the next level supervisor, if any, within the DoD Component, installation, or activity. The problem must be presented within 15 days following the date of the act or event that the employee believes created the problem, or the date the employee became aware of (or reasonable should have become aware of) the act or event. The employee may present a matter of concern regarding a continuing practice or condition at any time.

a. A supervisor must consider the employee's problem and attempt to resolve it within 15 days, and no later than 30 days, from the date the problem is first brought to the supervisor's attention, even though it may not be covered by the grievance process. Where appropriate, the use of a neutral (e.g., conciliator, facilitator, or mediator) is encouraged. If the employee presents the problem orally, the supervisor's determination may be oral or written. If the problem is presented in writing, the determination is in writing. If the problem was not resolved, the supervisor will inform the employee of the time limits for filing a grievance. If the supervisor believes the matter is not covered by the grievance process, the supervisor will inform the employee and advise the employee of the appropriate process, if any, for resolving the problem.

b. The time limit for resolving the problem may be extended by mutual agreement to accommodate resolution of the dispute.

11. Grievance Process.

a. Filing a Grievance.

(1) An employee may file a formal, written grievance with the designated deciding official (or any official designated to accept grievances on behalf of the deciding official) when a problem is not resolved during the problem-solving process, or where the employee chooses to bypass that process and invoke the administrative grievance procedure. If the employee used the problem solving process, the employee must file a grievance no later than 15 days from the conclusion of that process. Where the employee does not use the problem solving process but raises the matter initially as a grievance, the employee must present the grievance within 15 days following the date of the act or event that the employee believes created the problem, or within 15 days following the date the employee became aware of (or reasonably should have become aware of) the act or event. The employee may present a grievance regarding a continuing practice or condition at any time.

(2) An employee's grievance must be signed, dated and contain a sufficiently detailed statement of the specific issue(s) and the specific, personal remedy sought; copies of any documents in the employee's possession related to the grievance; and, the name, address, and telephone number of the employee's representative, if any. The remedy must be personal to the employee and may not include a request for disciplinary or other action affecting another employee. An employee may not grieve the same matter raised in any other grievance, appeal, complaint, or other dispute resolution process.

b. Deciding Official Actions.

(1) The deciding official determines whether to join similar or identical grievances; whether to require, and how to conduct an investigation; whether to allow the grievant's requested representative; and how much official time will be granted to the employee and the employee's representative. The deciding official may also designate an impartial individual to examine a grievance and, when authorized, to make recommendations concerning its disposition.

(2) The deciding official will fully and fairly consider the grievance and issue a written decision with supporting rationale for the decision. The deciding official will issue the decision as soon as possible but normally no later than 60 days from the filing of the grievance. The deciding official may extend time frames when warranted by special circumstances (e.g., when those involved are geographically dispersed or where a fact-finder is used in the process). However, a grievance decision should be rendered no more than 90 days from the filing of the grievance absent mutual agreement to extend this time limit to accommodate resolution of the dispute. If the deciding official fails to render a decision within 90 days absent such agreement, the grievant may request review by the next higher management level, if any, within the DoD Component.

(3) Whenever possible, the deciding official should rule on the merits of a grievance. However, the deciding official may cancel or temporarily suspend a grievance, or the appropriate portion of a grievance; if: the grievant requests such action; the grievant or grievance is excluded from coverage; the grievant fails to provide sufficient detail to identify clearly the matter being grieved or specify the personal relief requested; the grievant fails to comply with applicable time limits or procedural requirements or requests action be taken against another employee; or the grievant raises the same matters under another formal dispute resolution process.

(4) A deciding official's decision on the merits of the grievance is final and not subject to further review. However, an employee may request that an individual at the next higher management level within the DoD Component, if any, review a decision to cancel a grievance.

c. Grievance Files. The employing activity will establish and maintain a separate file for each written grievance filed under this administrative grievance system and retain that file for 4 years in accordance with applicable laws, regulations, and records retention schedules. The file contains all documents of copies of documents related to the grievance.

## 12. Special Procedures.

a. Procedures for Grievances Involving Rating, Ranking and Referral Under the DA Career Programs.

(1) The employee will submit the written grievance to the individual designated to receive grievances at the activity level. That individual will send it to the career referral activity at the major command or HQDA level, depending upon where the alleged error occurred. The career referral activity, in coordination with the Career Program Manager or Functional Chief (or respective representative), will try to resolve the grievance.

(2) Within 15 days after receipt of the grievance, the referral activity will send its response through the activity commander to the grievant. The referral activity's decision is final.

b. Procedures for Grievances that Challenge Decisions Made or Matters Controlled by DA Activities Other than the Grievant's Local Command.

(1) The employee will submit the written grievance to the servicing CPAC/Human Resources Office. The employee must file the grievance within the time frames contained in paragraph 11. Within 7 days the CPAC/Human Resources Office will forward the grievance to the DA activity that made the decision or has control over the matter being grieved.

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(2) Within 30 days of receiving the grievance, the DA activity will issue a final decision through the servicing CPAC/Human Resources Office to the employee. Grievances involving the referral process for SES positions and SES position change actions not otherwise appealable will be referred to the HQDA SES office for processing.

FOR THE COMMANDER:

/S/  
THOMAS C. SUERMANN  
Colonel, Corps of Engineers  
Deputy Commander

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